

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DISTRICT
No. 5:09-CV-420

MARTIN WALTERS,
)
Plaintiff,
)
v.
)
CMH HOMES, INC.,
)
Defendant.
)

JOINT DISCOVERY PLAN

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and this Court's Order for Discovery Plan (Doc. No. 6), Plaintiff Martin Walters and Defendant CMH Homes, Inc. submit this Joint Discovery Plan for consideration by the Court.

1. The following persons participated in the Rule 26(f) conference by telephone:
 - a. Laura S. Jenkins, attorney for Plaintiff; and
 - b. T. Matthew Creech, attorney for Defendant.
2. Initial Disclosures. The parties will serve their Rule 26(a)(1) initial disclosures by December 1, 2009.
3. Discovery Plan. The parties jointly propose the following discovery plan:
 - a. Discovery will be needed on the following subjects:
 - (1) the facts and claims alleged in the Complaint;
 - (2) the defenses alleged in the Answer;
 - (3) all other issues raised in the pleadings;
 - (4) any expert disclosures; and

(5) all other matters that will reasonably lead to the discovery of admissible evidence.

b. All discovery shall be completed by May 3, 2010.

c. Each party is limited to a maximum of twenty-five (25) interrogatories.

d. Each party is limited to a maximum of twenty-five (25) requests for admission.

e. Each party is limited to a maximum of ten (10) depositions. The parties agree to confer and attempt to schedule any depositions on mutually agreeable dates during the discovery period.

f. Reports from retained experts are due during the discovery period as follows:

(1) From Plaintiff by February 3, 2010; and

(2) From Defendants by March 17, 2010.

g. Supplementation under Rule 26(e) known at that time must be received by the opposing party or parties on or before March 26, 2010 (which is 45 days prior to the close of discovery) to allow for follow-up discovery within the discovery period. If supplementation is required after the completion of discovery, such supplementation shall be made as soon as reasonably possible.

4. Other Items:

a. The parties should be allowed until February 5, 2010 to request leave to join additional parties or to amend their pleadings. After this date, the Court will consider whether the granting of leave would delay trial.

b. All dispositive motions shall be filed by June 2, 2010.

c. The prospects for settlement are currently unknown. The parties agree that mediation should be held late in the discovery period, the exact date to be set by the mediator after consultation with the parties. The parties agree that the mediator will be Renee Ellis.

d. The case should be ready for trial by September 2010. Trial of this action is expected to last three to four days. A jury trial has been demanded.

This the 6th day of November, 2009.

/s/ Laura S. Jenkins

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ELECTRONIC FILING CERTIFICATE

Pursuant to Procedure J.(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, the undersigned attorney, who is authorized to electronically file documents in this Court, certifies that the content of the document is acceptable to all persons required to sign the document and that all such persons have given their explicit consent for the undersigned filing attorney to affix their signatures as “/s/(attorney name)” and to submit the document electronically.

The 6th day of November, 2009.

/s/ T. Matthew Creech
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